

REMARKS

This is in response to the Official Action currently outstanding with respect to the above-identified application, which Official Action the Examiner has designated as a FINAL Official Action.

Claims 1, 2, 4, 5, 7, 8, 10-13, 19 and 20 were pending at the time of the issuance of the currently outstanding FINAL Official Action. Claims 3, 6, 9 and 14-18 were previously withdrawn from further consideration as being directed to a non-elected invention and species, the election having been made without traverse. By the foregoing Amendment, Claims 3, 6, 9, and 11-18 have been canceled, without prejudice. No Claims have been amended and no Claims have been added. Accordingly, in the event that the Examiner grants the entry of the foregoing Amendment, Claims 1, 2, 4, 5, 7, 8, 10 and 19-23 will constitute the claims under active prosecution in this application.

The foregoing Amendment sets forth the claims of this application as they will stand in the event that the Examiner grants entry to this Amendment as required by the Rules.

In the currently outstanding Official Action, the Examiner has:

1. Acknowledged Applicant's claim for foreign priority under 35 USC 119(a)-(d) or (f), and confirmed the receipt by the United States Patent and Trademark Office of the required certified copy of the priority document;
2. Indicated that the drawings filed on 12 September 2003 have been accepted;

3. Failed to acknowledged Applicants' Information Disclosure Statement of 16 December 2003 by providing Applicants with a copy of the Form PTO-1449 that accompanied that submission duly signed, dated and initialed by the Examiner in confirmation of his consideration of the art listed therein –

Applicants note that the Examiner has indicated that the Information Disclosure Statement of 16 December 2003 has been lost and requested that Applicants provide a duplicate copy thereof along with copies of the references cited therein. Accordingly, pursuant to the Examiner's request, a copy of Applicants' Information Disclosure Statement of 16 December 2003 along with copies (i) of each of the references cited therein and (ii) of the return postcard received from the United States Patent Office indicating that this Information Disclosure Statement was duly received on 18 December 2003 are attached hereto;

4. Rejected Claims 11-13 under 35 USC 103(a) as being unpatentable over the Takeda, et al reference, and/or under 35 USC 102(a) as being anticipated by Applicants' own admitted prior art; and

5. Indicated that Claims 1, 2, 4, 5, 7, 8, 10 and 19-23 are allowed.

Further comment regarding items 1-3 and 5 above is not deemed to be required in these Remarks.

With respect to item 4, Applicants by the foregoing Amendment have proposed that Claims 3, 6, 9 and 11-18 be canceled, without prejudice, so as to place this application in condition for allowance.

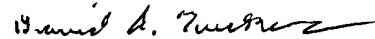
Since the result of the foregoing Amendment, if granted entry by the Examiner, is that all of the claims of this application stand allowed or canceled, without prejudice, Applicants respectfully submit that the present Amendment places this application in condition for allowance, and that therefore, the foregoing Amendment should be granted entry by the Examiner in response to this communication under 37 CFR 1.116. Further, since the United States Patent and Trademark Office apparently lost the Information Disclosure Statement of 16 December 2003, Applicants respectfully request that that Information Disclosure Statement be considered by the Examiner in response to this communication without further cost or certification by the Applicants, and that in addition Applicants be provided with an appropriately signed, dated and initialed copy of the Form PTO-1449 that accompanied that Information Disclosure Statement confirming the Examiner's consideration of the art listed therein with the Notice of Allowability for this application.

For the foregoing reasons, entry of the foregoing Amendment, consideration of Applicants' Information Disclosure Statement of 16 December 2003, and confirmation of the Examiner's consideration of the art cited in that Information Disclosure Statement, as well as reconsideration and allowance of the present application as hereinabove amended all are respectfully requested in response to this communication.

Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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